

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

JAMES T. RICHARDS,

Criminal No. 03-10367-MEL
DISTRICT OF MASSACHUSETTS
FILED
NOV 24 10 13 AM '04

GOVERNMENT'S MOTION FOR RECONSIDERATION

The United States of America, through its undersigned counsel, hereby moves this Honorable Court to reconsider its order (Docket Entry No. 94) denying the government's previously filed Motion for the Commitment of the Defendant for Further Psychiatric or Psychological Examination (Docket Entry No. 88).

The United States has recently learned that Dr. Baxter will be unable to perform the required examination of the defendant as ordered by this Court on October 28, 2004 (Docket Entry No. 94). In light of these new circumstances, the United States renews its request, made pursuant to 18 U.S.C. §§ 4241 and 4247, for an order committing the defendant to the custody of the Attorney General for placement in a suitable facility for a psychiatric or psychological examination.

In support of this motion, the United States relies upon its previously filed submission as well as the new circumstances which have arisen regarding Dr. Baxter's inability to perform the examination. The United States submits that rather than canvassing local doctors to replace Dr. Baxter, or relying on others to recommend another independently-retained private doctor, the Court should order that the defendant undergo further


psychiatric or psychological evaluation at a BOP facility suitable for such testing. The factors relied upon in the Court's denial of the United States' previously filed motion have changed considerably in light of these new circumstances involving Dr. Baxter.

Accordingly, the United States hereby moves for reconsideration of this Court's previously issued order and respectfully requests that an order be entered, pursuant to 18 U.S.C. §§ 4241 and 4247, committing the defendant to the custody of the Attorney General for placement in a suitable facility for further psychiatric or psychological examination.

Respectfully submitted,

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By:


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November 23, 2004

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the persons listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

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November 23, 2004